IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 44190-M of 2005

DATE OF DECISION : 29.08.2006

Kanwarpal Singh alias Bittu

.... PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Kanwarpal Singh alias Bittu has filed this petition under Section 482 of the Code of Criminal Procedure for issuing direction to the respondents to ensure his freedom of expression and speech and protection of his life and liberty, as enshrined in Sections 19 and 21 of the Constitution of India, respectively. He has also prayed that in case, he is required to be arrested in any case, one week's advance notice be given to him.

2. At the time of issuing notice of motion, counsel for the petitioner did not press the prayer for issuing direction regarding the freedom of expression and speech as enshrined under Article 19 of the Constitution of India. He only pressed the prayer with regard to the protection of life and liberty of the petitioner.

3. Pursuant to the notice, reply on behalf of the respondents has been filed, in which it has been stated that the allegations made by the petitioner in the petition are incorrect. It has been stated that neither any police party from Police Station Civil Lines, Amritsar had visited the house/ residence of the petitioner nor the petitioner was ever called by Deputy Superintendent of Police, Civil Lines, Amritsar. It has been stated that the petitioner has concocted a false story just to over-reach the process of law. In the reply, it has been admitted by the respondents that FIR No. 10 dated

26.1.2005 under Sections 336/124-A/123-B/120-B IPC and 25/27/54/59 of the Arms Act was registered against the petitioner at Police Station Islamabad at Amritsar, when the petitioner and his associates observed 26.1.2005, the Republic day of India as day of betrayal of Sikhs by hoisting Kesri Nishan and the petitioner along with his associates made separatist appeals and slogans during the Ghalughara week in June, 2005 which was observed to commemorate anniversary of Operation Blue Star. It has been further stated that another FIR was registered against the petitioner and his associates for making provocative and separatist appeals and raising slogans during the procession taken out from Sirhadi House to Akal Takhat, Sri Darbar Sahib, Amritsar. In those FIRs, the petitioner was arrested. The other allegations of harassment made by the petitioner have been denied.

4. After hearing counsel for the parties, in view of the facts stated in the reply, I am of the opinion that life and liberty of the petitioner is not in danger in any way. FIR No. 10 dated 26.1.2005 was registered against the petitioner when he along with his associates observed 26.1.2005, the Republic day of India, as day of betrayal of Sikhs by hoisting Kesri Nishan and thereafter another FIR No. 125 dated 8.6.2005 was registered for making provocative and separatist appeals and raising of slogans. As far as other allegations of harassment and danger to life and liberty of the petitioner are concerned, it has been specifically stated by the respondents that no body is harassing the petitioner and there is no threat to his life and liberty. In view of these facts, apprehension of the petitioner regarding the threat to life and liberty is totally mis-placed. Therefore, I do not find any ground to issue the direction, as prayed for.

5. Dismissed.

August 29, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**